Indigent Defense Overview

Oregon’s trial-level public defense system is made up of private attorneys working for nonprofits and small firms and overseen by the Public Defense Services Commission (PDSC). Trial-level public defenders in Oregon are not state employees, and are funded through contracts with the State of Oregon’s Office of Public Defense Services. The Appellate Division of OPDS provides all appellate level public defense services in Oregon.

The Oregon State Bar is aware that those crafting the 2017 – 2019 state budget face many challenges. From the need for transportation infrastructure investment, to adequate funding for K-12 education, there are funding needs throughout the state.

In the face of these challenges, the Oregon State Bar encourages the adoption of the PDSC budget which provides adequate funding for public defense services. This will allow the agency to continue contracting with local providers and ensure representation adequate to address anticipated caseloads.

Similar to the courts, OPDS’ work load is largely dictated by local decisions and charging practices. All criminal defendants have a right to adequate representation, so PDSC has a responsibility to fund that representation regardless of other budget constraints. The right to counsel ensures that all aspects of the criminal justice system – district attorneys, law enforcement agencies and defense attorneys – are operating on equal footing.

Additionally, the bar is encouraging the legislature to approve PDSC’s several requested policy option packages, which would increase funding to address specific problems. These requests include:

- **Parent Child Representation Program (PCRP)** - The PCRP was launched in Linn and Yamhill Counties and provides improved representation for children and parents in juvenile cases. The program was further expanded in 2015 to Columbia County. These pilot programs opened up valuable foster care bed resources. PDSC is asking for $36 million to further expand the program in the 2017 – 2019 biennium.

- **Public Defense Contractor Parity** – Case rates paid on public defense contracts are far below rates paid in the private sector, and in most counties overall compensation is well below that earned by the prosecution. Fully addressing this issue, and providing competitive rates for contract and hourly providers would cost $34.5 million.

- **Public Services Account (PSA) Budget Shortfall** – This account, which pays for contracted public defense is not expected to cover costs through the end of the 2015 – 2017 biennium. $3.5 million would stabilize the PSA account and reduce the need for Emergency Board funding requests.

Access to justice is one of the Oregon State Bar’s cornerstone values, and we strongly support a budget for the Public Defense Services Commission that ensures funding sufficient to maintain services and to fairly compensate publicly funded attorneys in criminal justice system. The Oregon State Bar urges adoption of a budget for PDSC that accomplishes these goals in the next biennium.